



Town Council Agenda Report

SUBJECT: ORDINANCE

TITLE OF AGENDA ITEM:

VA 4-1-99 - Town of Davie, petitioner /owner

REPORT IN BRIEF:

During the site plan review process for a proposed residential development (Stirling Road Apartments), staff determined the adjacent right-of-way (NW 38th Street) did not serve any public purpose and was overgrown with vegetation and littered with trash. By vacation the right-of-way, the vacated land would revert to the abutting owners allowing the residential community to landscape and maintain the land. Thus, the vacation of right-of-way is consistent with the Town's Comprehensive Plan and serves to benefit the public welfare.

DISCUSSION: (include background, project summary, significant impacts, citizen participation, workload impacts, purpose, project workscope, evaluation and selection process, and conclusion)

Background: The portion of right-of-way to be abandoned is adjacent to a multi-family residential development currently under construction. The development consists of approximately 9 building or 70 units. The abandonment of NW 38th Street will benefit the Town by allowing the unneeded portion of land to be incorporated into the development for landscaping and maintenance.

Purpose of Request: To relinquish ownership of a portion of local roadway, which does not serve a public purpose, in order to have the abutting owners own, operate and maintain the land.

Significant Impacts: There are no negative impacts as a result of this request.

Conclusion: The proposed vacation of right-of-way is consistent with the the Town's Comprehensive Plan.

CONCURRENCES: (concerns and/or opinions of affected departments, Committees, Boards or Council)

None.

FISCAL IMPACT:

N/A

RECOMMENDATION(S):

On April 28, 1999, the Planning and Zoning Board recommended approval 5-0.

On May 5, 1999 the Town Council (merits) voted to approve 5-0.

Attachment(s): Ordinance with exhibits, subject site map, and aerials.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATION A PORTION OF ROAD RIGHT-OF-WAY AND EASEMENTS FOR A PORTION OF NW 38TH STREET, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a portion of NW 38th Street, specifically described on Exhibit "A" attached hereto, was accepted as a public road right-of-way and easements; and

WHEREAS, the property owners have petitioned the Town Council to vacate and abandon a portion of such right-of-way and easements; and

WHEREAS, at a meeting of the Town Council on August 18, 1999, the Town Council did agree to such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That portion of NW 38th Street, specifically described on Exhibit "A" attached hereto, is hereby vacated by the Town of Davie.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 1999.

PASSED ON SECOND READING THIS _____ DAY OF _____, 1999.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.

Exhibit "A"

LEGAL DESCRIPTION FOR VACATION OF A PORTION OF RIGHT-OF-WAY FOR N.W. 38TH STREET

A portion of Tract 4 of "A.J. Bendle Subdivision" in Section 3, Township 51 South, Range 41 East according to the plat thereof as recorded in Plat book 1, at page 27 of the public records of Dade County Florida and also known as N.W. 38th Street, a 30 foot right-of-way dedication as per "Stirlingwood II" according to the plat thereof as recorded in Plat Book 105, at Page 2 of the public records of Broward County Florida, described as follows:

Commence at the Southwest corner of Tract 4 thence run N. 89 degrees 12' 00" E. a distance of 328.02 feet to a point; thence run North a distance of 6.00 feet to the Point of Beginning. Continue North a distance of 24.00 feet to a point, also being the Southwest corner of Tract "B" of "Stirlingwood II", thence run N. 89 degrees 12' 00" E. a distance of 328.02 feet along the South line of Tract "B" to a point, thence run South a distance of 24.00 feet to a point, thence run S. 89 degrees 12' 00" W. a distance of 328.02 feet to the Point of Beginning.

SKETCH OF DESCRIPTION VACATION OF A PORTION OF RIGHT-OF-WAY FOR N.W. 38TH STREET





